

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:22-CR-236
)	
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
JENNIFER ALBANNA (1),)	ORDER
TAHA ALBANNA (2),)	[Resolving ECF No. 42]
)	
Defendants.)	

A Final Pretrial Conference is scheduled in this matter for July 11, 2023 at 1:30 p.m., with Trial set for July 24, 2023 at 9:00 a.m. Pending before the Court is the Government's Unopposed Motion to Continue Trial and Final Pretrial Dates and Deadlines for 90 Days. [ECF No. 42](#). In support of that motion, counsel states,

On June 1, 2023, the previously-assigned lead Assistant United States Attorney acceded to the bench of Ohio's Eleventh District Court of Appeals. Undersigned counsel was assigned this case as lead counsel shortly thereafter and entered her appearance on June 7, 2023. (ECF No. 41). The previously-assigned co-counsel on the case left the United States Attorney's office on May 19, 2023. (ECF No. 38).

Undersigned counsel has been working diligently with defense counsel to negotiate a resolution of this matter that would obviate the need for a trial; however, given the short length of time undersigned has had the case and the complexity of the facts and evidence, it is unlikely such a resolution will come to fruition before the current plea deadline of July 7, 2023, and/or trial date of July 24, 2023. The United States therefore requests this continuance.

Defendants do not object to a continuance, and have filed executed speedy trial waivers on the docket. ECF Nos. [43](#), [44](#). The motion sets forth mutually agreeable dates for

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rescheduling the Final Pretrial and Trial.

In determining whether continuing a trial date serves the ends of justice, the Court must consider certain factors outlined in 18 U.S.C. § 3161(h)(7)(B). The Court considers the following factors, among others:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B) .

Having considered the factors above and the motion and finding that no prejudice results from providing the extension sought to allow additional time for plea negotiations, the Government's motion is well taken. The Court finds that the ends of justice served by granting the Government's motion in the instant matter outweighs the best interests of the public and Defendants in proceeding more speedily. The Government's Unopposed Motion to Continue

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Trial and Final Pretrial Dates and Deadlines for 90 Days, [ECF No. 42](#), is granted. The Final Pretrial Conference is reset for **October 17, 2023 at 1:30 p.m.** and Trial is reset for **October 30, 2023 at 9:00 a.m.** The Criminal Pretrial and Trial Order previously issued, [ECF No. 16](#), remains in effect. All new due dates shall be calculated by counsel so that the parties comply with the time frames set by the Criminal Pretrial and Trial Order.

IT IS SO ORDERED.

July 10, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge